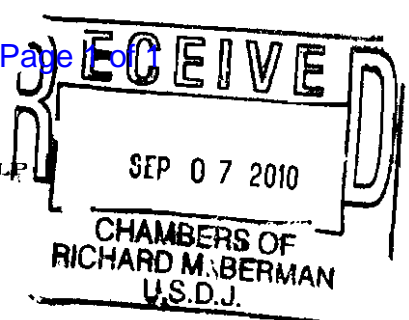


JOSEPH E. ZDARSKY  
K. MICHAEL SAWICKI  
GUY J. AGOSTINELLI  
GERALD T. WALSH  
MARK J. SCHLANT  
PATRICK A. DUDLEY  
THOMAS P. FITCH  
DONALD G. POWELL  
DAVID E. GUTOWSKI

ZDARSKY, SAWICKI & AGOSTINELLI LLP  
ATTORNEYS AT LAW  
404 CATHEDRAL PLACE  
298 MAIN STREET  
BUFFALO, N.Y. 14202  
716-855-3200



TELECOPIER: 716-855-3101  
(NOT FOR SERVICE OF PAPERS)

September 2, 2010

**MEMO ENDORSED**

Hon. Richard M. Berman  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/9/10

Re: Westport Insurance Company v. The Hamilton Wharton Group, et al.  
Case No.: 10-CV-2188

Dear Judge Berman:

This firm is counsel to defendants Inter-Community Memorial Hospital of Newfane, Inc. and Integrated Care Systems, LLC, in the above-referenced action.

We have received notice of Your Honor's August 24, 2010 Order scheduling a pre-motion conference on September 28, 2010 in response to the August 23, 2010 letter to the Court of Kevin L. Smith, Esq. on behalf of the defendants The Hamilton Wharton Group, Inc. and Walter B. Taylor.

I am writing to request the Court's permission to appear at the conference via telephone. We support Mr. Smith's application and make this request in order to avoid incurring additional expense on behalf of our clients.

Very truly yours,

David E. Gutowski

DEG/jak

c: Kevin L. Smith, Esq.  
Gregg D. Weinstock, Esq.  
Eve I. Klein, Esq.  
Robert L. Schonfeld, Esq.  
Robert P. Conlon, Esq.

**Application respectfully denied.**

SO ORDERED:

Date: 9/8/10

*Richard M. Berman*  
Richard M. Berman, U.S.D.J.